

CHAPTER 69

COLLECTION OF STATISTICS

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SUBCHAPTER I

VITAL STATISTICS

69.01 Collection of vital statistics. The department of health and social services shall supervise and direct the collection of vital statistics.

69.02 Vital statistics. (1) "Department" in this subchapter means the department of health and social services.

(2) The department shall designate a state registrar of vital statistics who shall have charge of the public health statistics and legal records.

(3) For public health statistics the registrar shall:

(a) Prepare all forms required to be prepared by the department under this subchapter.

(b) Instruct registers of deeds and local registrars in their duties under this subchapter and supervise them in their work.

(c) Collect, examine and tabulate all papers required to be filed with the department under this subchapter.

(d) Enforce ss. 69.06 and 69.07.

(4) For legal records the registrar:

(a) Shall file and index papers required to be filed with him and shall preserve such records after they have served their purpose as public health statistics.

(b) Shall issue certified copies of such records upon payment of the prescribed fees.

(c) May make transcripts of such records for governmental agencies upon their request and payment of the fees mutually agreed upon. Certified copies or verifications of records may be furnished free to governmental agencies.

(d) May make special searches of such records and make copies, transcripts or reports pursuant thereto upon request and payment of the fees prescribed by the department.

(e) May operate a microfilm laboratory in connection with its duties under this subchapter; the services of this laboratory may be available at cost to other governmental agencies if such use does not interfere with the department's duties under this subchapter; copies of records

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needed to complete register of deeds records shall be furnished free of charge.

(5) The department may make such refunds which in its judgment should be paid because of over-remittance of fees and properly account for such refunds.

History: 1975 c. 295 s. 8

69.03 Rules and regulations by department. The department may make, and from time to time amend, such rules and regulations as it considers necessary to carry out this subchapter.

History: 1975 c. 295 s. 8

69.04 Assistants. The department shall provide such clerical and other assistants as may be necessary for the purposes of this subchapter, and shall fix their compensation.

History: 1975 c. 295 s. 8

69.05 Forms prepared by registrar. The state registrar shall prepare forms of certificate of birth, deaths, marriages, divorces, of fetal death reports and of burial permits, and such other forms necessary to meet the requirements of this subchapter, which forms shall be printed and supplied in the same manner as are blank forms and stationery for the use of other offices of the state government.

History: 1975 c. 295 s. 8; 1977 c. 418.

69.06 State registrar's duties. The state registrar shall:

(1) Prepare and issue detailed instructions required to secure the uniform observance and the maintenance of a perfect system of registration. No blanks may be used other than those supplied by the state registrar.

(2) Carefully examine the reports and certificates received from the local registrars and registers of deeds and if any such are incomplete or are completed in other than unfading black ink or are unsatisfactory the registrar shall require such further information or compliance as may be necessary to make the record complete and satisfactory.

(3) Arrange, bind and permanently preserve the certificates in a systematic manner and prepare and maintain a comprehensive and continuous index of all births, deaths, marriages and divorces registered.

(4) Prepare and publish biennially such of the vital facts appearing on the certificates, or copies thereof, of births, deaths, marriages, and divorces and fetal death reports as the department determines to be necessary and useful.

(5) At least once each year tabulate and classify all cases of children born with disabilities in the state since the preceding tabulation,

and shall preserve the same in his or her office. Such tabulations shall be included in the biennial report of the department.

History: 1977 c. 29, 83, 418.

69.07 State registrar's powers; prosecuting attorneys. (1) The state registrar is hereby charged with the execution of this subchapter in every part of the state, and with supervising registers of deeds and local registrars with their work under this subchapter.

(2) The state registrar may investigate irregularities or violations of the law, and all local registrars and registers of deeds shall aid in such investigations upon request.

(3) If deemed necessary, the state registrar shall report violations to the district attorney of the proper county, with a statement of facts and circumstances, and the district attorney shall forthwith initiate and promptly prosecute the violators of law, and upon request of the state registrar the attorney general shall likewise assist in the enforcement of this subchapter.

History: 1975 c. 295 s. 8; 1977 c. 418.

69.08 Statistics collected at local expense. (1) If it is impossible to obtain through the local registrars and registers of deeds complete reports of all births, deaths and marriages which they respectively are required to report, the department may cause these statistics to be collected and the necessary expenses incurred by so doing shall be charged to and paid for by the respective county, city, village or town whose officer caused this expense to be incurred.

(2) The state registrar shall file with the clerk of such county, city, village or town, an itemized statement of all expenses incurred, which statement shall serve as prima facie evidence of the claim.

History: 1977 c. 418.

69.09 Districts and local health officers. For the purposes of this subchapter each county shall be a primary registration district for villages and towns and the registers of deeds' office shall be the place for filing. The primary registration district for any city shall be the city and the office of the local health officer the place for filing. The local registrar shall be the health officer or commissioner of health in cities.

History: 1975 c. 295 s. 8.

69.10 Local statistics; copies; filing. Each register of deeds and city health officer shall collect and file certificates of births, deaths and marriages that occur in the county or city under s. 69.09.

History: 1977 c. 418.

69.11 Deputy local registrars. Each local registrar shall, upon assuming the duties of the office, appoint a deputy who shall act as alternate under this subchapter in case of the absence, illness or disability of the local registrar. The deputy shall accept such appointment in writing and shall be subject to all rules and regulations governing the local registrars under this subchapter. The state registrar shall be notified immediately of the appointment of a deputy registrar.

History: 1975 c 295 s 8; 1977 c. 418.

69.13 Local enforcement. The registers of deeds and local registrars shall enforce this subchapter, in their respective districts, under the supervision and direction of the state registrar; and shall make an immediate report to the state registrar of any violations thereof coming to their notice by observation or upon complaint.

History: 1975 c 295 s 8.

69.14 Certificates, numbering. The register of deeds and city health officer shall number and date consecutively the certificates of births, deaths and marriages, received and affix the date when received thereto.

History: 1977 c 418.

69.15 Reports of births, marriages and deaths to other local registrars. Each register of deeds and city health officer shall, on the first day of each month, make an exact copy of all births, marriages and deaths recorded by him or her during the previous month, whenever the parents of the child born, or the bride or the groom, or the deceased person; was resident in any other city, village or town in this state at the time of such birth, marriage or death; and shall transmit such copies to the city health officer, or register of deeds of the county in which such parents, the bride or the groom, or the deceased, were resident at the time of the birth, marriage or death. The registrars receiving such copies shall file the same.

History: 1977 c 418.

69.18 Original certificates; transmittal; exceptions; reports. (1) The city health officer and the register of deeds shall promptly upon receipt of an original certificate of birth, death or marriage make a complete and accurate copy of each certificate filed upon a form identical with the original certificate for local registration and transmit the original to the state registrar not later than the 7th day of each month. The city health officer and the register of deeds shall promptly upon receipt of an original fetal death report transmit the report to

the state registrar not later than the 7th day of each month.

(2) If no births, fetal deaths, deaths or marriages occur in any month the register of deeds and city health officers shall on or before the seventh day of the following month report that fact to the state registrar in such manner as the state registrar shall direct.

(3) The city health officer, as to births, deaths or marriages occurring in such city, shall within 5 days of the original filing transmit a copy of the original certificate of birth, death or marriage to the register of deeds.

History: 1977 c. 418.

69.21 Register of deeds' duties. Every register of deeds shall make, file and index copies of all certificates of births, deaths or marriages, received and properly bind the copies in book form.

History: 1977 c. 418.

69.22 Delayed registration. (1) When no registration of any birth has been made within one year after the occurrence thereof, the state registrar or the register of deeds of any county may accept proof thereof for the purpose of filing a birth certificate, and issue certificates of births based on such proofs. Such proof shall consist of the following:

(a) Hospital or doctor's record of such birth accompanied by the affidavit of such doctor or custodian of doctor's or hospital records, stating that the facts as set forth in such certificate are true; or

(b) The affidavit of parent or parents accompanied by at least one document made within 5 years of the date of birth of the applicant or 2 documents made more than 5 years prior to the date of application, each of which documents shall contain the birthdate, birthplace, and one of such proofs showing parentage of such applicant, or

(c) Three pieces of documentary evidence made more than 5 years prior to the date of application, each setting forth the birthdate and birthplace, and one of such proofs showing parentage of such applicant. An affidavit shall be accepted only as one of the above required proofs.

(2) The register of deeds, upon completion of such delayed registration of birth, shall after making a copy thereof transmit the original registration to the state registrar.

(3) If a delayed birth record is filed with the state registrar, a copy shall be forwarded to the register of deeds of the county in which the birth occurred.

History: 1977 c 418.

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69.225 Filing of copies of foreign records.

The record, or a certified copy thereof, including any made in a foreign language, of the birth abroad of any Wisconsin resident shall be accepted by registers of deeds for filing upon payment of the fee provided in s. 59.57 (15).

69.23 Certified copies furnished. (1) The state registrar, register of deeds or the local registrar of any city shall, upon request, furnish any applicant a certified copy of a record in their possession of any birth, death, marriage or divorce.

(2) Any officials authorized to issue birth certificates may issue a short form certificate in such form as shall be prescribed by the bureau.

(3) The state registrar, register of deeds or local registrar of any city shall issue without charge certified copies of certificates of birth, death, marriage and divorce when required in support of any claim for benefits, federal or state, where such claims have arisen out of or by reason of service in the wars of the country except that in counties where the register of deeds is under the fee system and not paid a fixed salary the usual fee for such service shall be paid by the county.

(4) Nothing in this subchapter may be construed to permit disclosure of information contained in the "confidential information for medical and health use only" section of the birth certificate to any person other than to the subject of that information or his or her authorized guardian or to the parent if the subject is a minor, unless specifically authorized by the state registrar for statistical, research or public health purposes or unless ordered by a circuit judge or judge assigned to exercise jurisdiction under ch. 48.

History: 1977 c. 418; 1979 c. 175, 221.

Cross Reference: See ss. 891.09 and 889.18 for evidence of vital statistics.

69.24 Fees. (1) The state registrar, register of deeds, and city health officer who are authorized to issue certified copies, as stated in this subchapter, shall collect the following fees for the search, filing and issuing of certified copies of birth, death, marriage and divorce records and for making authorized corrections, alterations or additions:

(a) A fee of \$4 for the search of the files. If a record is located, no additional fee is required for issuance of the first certified copy. The department may set additional fees, not to exceed \$2 for each additional copy after the first copy.

(b) After one year from the date of the original entry, a fee of \$2 for making authorized corrections, alterations and additions.

(c) No fee shall be collected for making such corrections, alterations and additions on records filed before one year of the date on which the event recorded has occurred.

(d) A fee of \$4 for a short form certificate.

(e) The state registrar shall collect a filing fee of \$4 for new certificates filed in accordance with ss. 69.33 and 69.336.

(f) The state registrar, register of deeds or any city health officer may not require a fee under this section from any person who requests one copy of a birth certificate and who presents a waiver of fees form provided by a public assistance agency under s. 49.13 (2). The department, in cooperation with local registrars, shall develop and distribute a waiver of fees form which all public assistance agencies shall use and which all registrars shall accept.

(2) (a) The state registrar shall collect a fee of \$4 for the examination of documentary proof and the filing of a delayed record and in addition thereto a fee of \$4 for the issuance of a certified copy of a delayed record.

(b) The register of deeds shall collect a fee of \$4 for the examination of documentary proof and the filing of a delayed record, and in addition thereto a fee of \$4 for the issuance of a certified copy of a delayed record.

(3) The state registrar shall collect a reasonable fee for special searches which may be requested to adequately meet the cost of such special search.

History: 1973 c. 210; 1975 c. 39, 198, 224; 1975 c. 295 s. 8; 1977 c. 418; 1979 c. 221.

69.25 Defective certificates; deaths outside state. (1)

Certificates lacking items which are determined by the city health officer, register of deeds or state registrar to be important shall be considered defective in so far as they fail to contain the specific facts or items demanded by them unless the missing information or facts are obtained to complete the original certificate and in that case the facts so obtained shall be considered a part of the original certificate as though they were contained in the original certificate, and said subsequent information relative to said facts and information shall be written on the original certificate and become a part thereof.

(2) The city health officer, register of deeds and state registrar shall certify to each other all corrections and additional information received by them to complete any original certificate received.

History: 1977 c. 418; 1979 c. 221.

69.27 Incomplete birth certificates. If a certificate of birth is incomplete the register of deeds or city health officer shall immediately

notify the parents of the child and require them to supply the missing items if they can be obtained.

69.28 Child's name, supplemental report.

When any certificate of birth of a living child is presented without a statement of the given name, the register of deeds or city health officer as provided in s. 69.09 shall make out and deliver to the parents of the child a special blank for the supplemental report of the given name of the child, which shall be filled out as directed and returned to such register of deeds or city health officer as soon as the child is named. The original certificate of birth shall not be considered complete until the supplemental report is filed or the blank returned with the statement "died unnamed".

69.29 Standard birth certificates. (1) The certificate of birth shall contain such items as the department determines are necessary and shall agree in the main with the standard form recommended by the U.S. public health service. Whenever a child is born to a woman while she is the lawful wife of a specified man, the certificate of birth for the child shall list the name of the husband as the father of the child unless and until the paternity of the child is proven in any proceeding under ch. 767.

NOTE: Sub. (1) is shown as amended by chapter 352, laws of 1979, effective July 1, 1981. Up to that date, sub. (1) reads:

"(1) The certificate of birth shall contain such items as the department determines are necessary and shall agree in the main with the standard form recommended by the U.S. public health service. Whenever a child is born to a woman while she is the lawful wife of a specified man, the certificate of birth for such child shall list the name of the husband as the father of such child unless and until the paternity of such child is proven by clear and satisfactory preponderance of the evidence and in any proceeding under ss. 52.21 to 52.45 such birth record shall not be admissible in evidence."

(2) The standard short form certificate of birth shall contain only the following information: The name of the person whom it concerns as originally recorded, or as subsequently changed pursuant to law, the sex of the person, the date on which the person was born, the name of the town, village or city, and county in which the person was born, and the date when the record was filed. No court order shall be required for the issuance of this certificate, whether for legitimate births or births out of wedlock.

(3) If the mother is unmarried at the time of conception or birth, the name of the father shall not be entered on the certificate of birth unless a statement of paternity on a form supplied by the state registrar is completed and signed by the mother and by the person named as the father. The document shall be filed with the state

registrar and creates a presumption of paternity under s. 891.41. The state registrar shall correct the certificate as provided in ss. 69.25 (2) and 69.335. Certified copies of the certificate are not subject to the court order requirement of s. 69.30 (1). If the child's surname is to be changed to that of the father, a new birth certificate shall be issued and the old certificate impounded according to the procedures specified in s. 69.33 (5).

History: 1977 c. 418; 1979 c. 352.

NOTE: Sub. (3) is created effective July 1, 1981.

Mother of child born out of wedlock may cause any surname to be entered on the child's birth certificate. 63 Atty. Gen. 501

69.30 Birth certificates by medical professionals and others; Milwaukee county; children born abroad. (1) The physician, midwife or other medical professional in attendance upon any birth shall file a certificate of birth, properly and completely filled out, giving all the particulars required by this subchapter, with the register of deeds of the county in which the birth occurred within 5 days after birth, except that in cities the certificate shall be filed with the health officer. All charges for professional services rendered by the physician, midwife or medical professional in attendance upon a birth shall be unlawful if the birth certificate is not properly filled out and reported as provided in this subsection. In counties having a population of 500,000 or more, the register of deeds and the city health officer shall, within 10 days after the filing of an original birth certificate, make an exact copy of the birth certificate if the parents of the child born were residents of any town or village in the county, and shall transmit the copies to the town or village clerk for a charge of 25 cents per copy, payable by the town or village treasurer. All certificates for births out of wedlock subsequent to October 1, 1907, shall be kept in a separate file and shall be subject to public inspection only upon court order, except for obtaining proof of heirship and except as provided in this subsection. A copy of a birth certificate (standard long form) of a child born out of wedlock and not subsequently legitimated or adopted shall be furnished only under one of the following conditions:

(a) Upon the order of any circuit judge.

(b) The mother of the child may upon payment of the proper fee obtain from the state registrar, a copy of her child's birth certificate without a court order if her parental rights have not been terminated.

(c) The father of the child may upon payment of the proper fee obtain from the state registrar, a copy of his child's birth certificate if he has been adjudged to be a parent of the child

by a court and if his parental rights have not been terminated.

(d) The child may obtain a copy of his or her birth certificate from the state registrar upon payment of the proper fee.

(e) The state registrar may authorize the inspection or transfer of uncertified copies of records for statistical processing or for inclusion of children born out of wedlock under public health programs.

(2) If there is no attending physician, midwife or medical professional, then the parent of the child, householder or owner of the premises, manager or superintendent of a public or private institution in which the birth occurred shall file a satisfactory certificate of birth with the register of deeds or city health officer, within 5 days as provided in s. 69.09.

(3) When children of Wisconsin residents who are citizens of the United States of America are born abroad, a properly authenticated copy of the original birth record made and filed according to the law of the place of birth or previously recorded by the proper United States consul or by the United States department of state may be filed with the state registrar. Where no original birth record is available a delayed birth record under s. 69.22 may be prepared by the state registrar. The state registrar shall forward promptly a copy of such record for filing to the register of deeds in the county of residence of the parents.

History: 1975 c. 94 s. 91 (15); 1975 c. 295 s. 8; 1977 c. 254; 1977 c. 418 ss. 451, 923 (18) (j); 1977 c. 449; 1979 c. 221.

69.31 Foundlings reported. Anyone finding an unknown child shall immediately report that fact to the register of deeds of the county or city health officer of the city where the child was found, as provided in s. 69.09. The report shall show the sex and race of the child, the date and place of finding the child, and the name of the person or institution in charge of such child. The town, village or city in which the child is found shall be known as the place of legal birth and the date of birth shall be stated by the person in charge of the child as nearly as can be determined and the date so given shall be known as the legal date of birth. The person or superintendent of the institution with whom the child is placed for care shall give the child a name and shall be responsible for filling out as completely as possible the regular form of birth certificate and filing it with such register of deeds or the city health officer, who shall make a copy for local files and forward the original to the department. If the child is later identified and a certificate of birth be found or obtained, the record provided for by this section shall be destroyed. If foundlings or other children for

whom it is impossible to provide a regular form of birth certificate are adopted, the adoptive parents may fill out and sign a birth record, giving their names as the adoptive parents.

History: 1977 c. 418; 1979 c. 221.

69.32 Report of congenital disabilities.

(2) Reports, notices or explanations of all cases of congenital disability shall be treated as confidential to the extent that the name or address of the disabled person shall not be published by any newspaper, magazine or other paper or publication of general or special circulation.

(3) The secretary of the department shall, immediately upon hearing of any case of congenital disability give to the division for handicapped children, department of public instruction, the name and address and such other information as may be helpful in the follow-up care program of such children.

History: 1977 c. 83, 418

69.33 Adoption; birth certificates. (1)

The state registrar shall file a new birth certificate filled out and signed by the registrar or the registrar's authorized representative whenever the state registrar receives notification from the clerk of the court under s. 48.94 that a child born in this state has been adopted and whenever the state registrar receives notification from any party that the father and mother of a child born out of wedlock in this state have married under s. 765.25. In this new certificate reference shall be made to this section by number only. In all other respects the certificate shall be the same as other birth certificates and shall contain nothing else to differentiate it from other birth certificates. The place of birth and the date of birth shall be taken from the original certificate; or, in the absence of an original certificate, a delayed registration under s. 69.22 shall be established if the child is more than one year old. If the child was born outside of the United States, a new certificate shall be issued and the actual place of birth shall be given whether or not the natural parents were U.S. citizens, but if they were not, the certificate shall not be issued until proof of naturalization of the child has been furnished to the registrar.

NOTE: Sub. (1) is shown as affected by chapters 32 and 352, laws of 1979, effective July 1, 1981. An earlier amendment by chapter 221, laws of 1979, is not shown. See the Preface section 6 (c) for the printing rule followed. Up to July 1, 1981, sub. (1), as amended by chapters 32 and 221, laws of 1979, is in effect as follows:

"(1) On being advised under s. 48.94 of the adoption of any child whose birth has previously been registered or under s. 765.25 of the legitimation of any child by the marriage of the parents, the state registrar shall file a new birth certificate filled out and signed by the registrar or the registrar's authorized representative. In this new certificate reference shall be made to this section by number only. In all other respects the certificate shall be the same as other birth certificates and

shall contain nothing else to differentiate it therefrom. If the adopted child was born elsewhere a new certificate may be filed under this section if the adoptive parent files with the state registrar a certified copy of the original birth certificate or satisfactory proof that the birth was not recorded. The date of birth shall be taken from the original certificate, or, in the absence thereof, from the adoption order. If the child was born outside the United States, the actual place of birth shall be given whether or not the natural parents were U.S. citizens, but if they were not, the certificate may not be issued until proof of naturalization of the child has been furnished to the registrar."

(2) In cases of adoption all the names and statistical particulars entered on a new certificate shall refer to the adoptive parents. The question of legitimacy shall be answered in the affirmative.

(3) In cases of legitimation, the names and statistical particulars shall be entered as of the date of birth but as though the parents were married at that time. The question of legitimacy shall be answered in the affirmative.

(4) All other items not affected by the adoption or legitimation shall be copied as on the original certificate including the date of filing.

(5) The new certificate shall then be filed in place of the original, and the original, together with all correspondence, affidavits, court orders, and other material pertaining thereto, shall be filed away from all public access. Copies of or access to these originals or any material pertaining thereto shall be obtained only on court order or at the discretion of the state registrar. Copies of the new certificate shall be issued under the same laws and rules as apply to the issuing of other certificates.

(6) The state registrar shall send a copy of each new certificate to the register of deeds or city health officer where a copy of the original was filed. Such register of deeds or city health officer and state registrar shall file the new record in their regular file, and impound the original which shall not be examined except upon court order or request of the state registrar.

(7) If a child born in the United States is adopted in another state by residents of this state, the adoptive parent may file an authenticated copy of the order or judgment of adoption with the state registrar, together with a certified copy of the original birth certificate, if any. Thereupon the state registrar shall proceed under subs. (1), (2) and (5) so far as the same may be applicable. The residence of the adoptive parents may be recorded as the place of birth.

(8) This section, as it applies to removing and impounding of original records, shall be retroactive in that the state registrar may treat all records on file since October 1, 1907, in such manner, and so notify the registers of deeds and local registrars.

(9) If the state registrar receives notification of an order entered under s. 767.51, the state registrar shall either make and file a new certificate or correct the old certificate as provided in s. 69.335.

History: 1977 c. 418; 1979 c. 32 s. 92 (2); 1979 c. 221, 352, 355

NOTE: Sub. (9) is shown as affected by chapters 221 and 352, laws of 1979, effective July 1, 1981. Up to that date, sub. (9), as affected by chapter 221, reads:

"(9) If the state registrar receives notification of an order entered under s. 52.37 (3), the state registrar shall either make and file a new certificate, following the provisions of this section so far as applicable, or correct the old certificate as provided in s. 69.335."

69.334 Statement of paternity. If the mother of a child born out of this state is unmarried at the time of conception or birth, a statement of paternity on a form supplied by the state registrar may be completed and signed by the mother and by the person named as the father. The document shall be filed with the state registrar and creates a presumption of paternity under s. 891.41.

History: 1979 c. 352

NOTE: This section is created effective July 1, 1981.

69.335 Correction of birth records. A person born in this state may request the state registrar or the register of deeds of the county of birth or in cities the health officer of the city of birth, to correct the registrant's birth record. Minor corrections in the record of the registrant's given name, may be made upon filing a supplementary report signed by the registrant or the registrant's parent, guardian, sister or brother. Major corrections of the record as to surname, sex, date and place of birth may be made by the state registrar, the register of deeds or city health officer only upon filing an affidavit by the registrant or the registrant's parent, guardian, sister or brother setting forth the corrections to be made and the reasons therefor. All corrections shall be made in red ink on the original record without erasures. On the margin of the record the officer shall make, date and sign the following notation: The corrections entered in red ink on the adjoining birth record were made this ... day of ... 19... by me and are based on (a supplementary report or an affidavit).

Signed _____

(State Registrar),
(City Health Officer)
or (Register of Deeds.)

Supporting documentation to confirm correct spelling of surname, or date or place of birth, shall be required. The state registrar, city health officer or the register of deeds to whom such requests are made shall promptly notify each other of the corrections to be made and each

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shall make the same corrections or notations to the record in red ink.

History: 1977 c 418; 1979 c 221

69.336 Correction of birth records through court proceedings. (1) If any court under s. 891.39 adjudges a child born to a married woman to be born out of wedlock, the clerk of court shall report the facts to the state registrar, who shall issue a new birth certificate showing the correct facts as found by the court, and shall dispose of the original, with the court's report attached, as provided in s. 69.33 (5). Local registrars shall be notified as provided in s. 69.33 (6).

(2) If the certificate originally filed is substantially incorrect, the person whose birth is recorded or the parent or guardian may petition any court of record in the county of the registrant's residence or, if a nonresident, the county of the registrant's birth, for a determination of the true facts. The court may take testimony and shall direct the clerk of court to report to the state registrar wherein the original certificate is incorrect and what are the true facts, so far as can be determined. No finding may be required as to paternity if the birth was out of wedlock. The state registrar shall proceed under s. 69.33 (5).

History: 1977 c 418; 1979 c 221

69.34 Fetal deaths. (1) The report of fetal death shall contain the items the department determines are necessary and a definition of fetal death as the department may from time to time establish.

(2) The funeral director or person selected by one of the parents to assume responsibility for disposition of the remains shall have the items pertaining to the causes and conditions of the fetal death and the name of the physician or other person attending the birth entered on the report, and shall be responsible for filing the report before obtaining a burial permit.

History: 1977 c 418

69.35 Standard death certificate. The certificate of death shall contain such items as the department may determine are necessary and shall agree in the main with the standard form recommended by the U.S. public health service.

History: 1977 c 418

69.36 Death particulars, authentication. The personal and statistical particulars shall be authenticated by the name of the informant who may be any competent person acquainted with the facts.

History: 1977 c 418

69.37 Statement of disposition of body.

The statement of facts relating to the disposition of the body shall be signed by a funeral director licensed in this state or by an individual referred to in s. 69.34 (2), 155.02 or 445.16, except that such statement of facts may be signed by any person who personally prepares for burial and conducts the funeral of any member of the immediate family.

History: 1977 c 418; 1979 c 175 s. 53; 1979 c 221 s. 2202 (45)

69.38 Certification of causes of death.

(1) PHYSICIAN'S CERTIFICATION. (a) The physician in charge of the patient's care for the illness or condition resulting in death, except when the coroner or medical examiner holds an inquiry, shall complete and sign the medical certification in black ink and return it to the funeral director, or to the person acting under s. 69.34 (2) or 155.02, within 24 hours after death.

(b) In the absence of or with the approval of the physician in charge of the patient's care, the medical certification may be completed and signed by another physician involved in the case, by the chief medical officer of the institution in which death occurred, or by the physician who performed an autopsy on the decedent, if the physician who signs has access to the medical history of the case.

(2) CORONER'S OR MEDICAL EXAMINER'S CERTIFICATION. The coroner or medical examiner may employ a physician to complete and sign the medical certification. The coroner or medical examiner, or the physician employed by the coroner or medical examiner, shall complete and sign the medical certification in the following circumstances:

(a) After investigation of all deaths reported under s. 979.20.

(b) If no physician was in charge of the case.

(c) If the physician in charge of the case refuses to complete and sign the medical certification.

(3) CERTIFICATION; CAUSE OF DEATH UNKNOWN, UNDETERMINED OR DETERMINATION PENDING. If the cause of death is unknown, undetermined or if the determination is pending, this fact shall be shown on the certificate. As soon as the findings become available to the person certifying the cause of death under sub. (1) or (2), that person shall sign and date an amendment to the certification and forward it to the office of the state registrar.

(4) FORMAT OF CERTIFICATION. The cause of death and all other facts required shall be stated in accordance with the rules of the state registrar.

History: 1977 c 418; 1979 c 221

69.42 Burial and removal permits. (1) The register of deeds, city health officer and the clerk of any incorporated village are authorized to issue a burial or removal permit.

(2) If any certificate of death is incomplete or unsatisfactory, it shall be the duty of the officer authorized to issue burial or removal permits to call attention to the defects in the certificate and withhold the issuance of the burial or removal permit until a complete and satisfactory record is furnished.

(3) When the death record is presented to the clerk of any incorporated village for the issuance of a burial or removal permit, the village clerk shall forthwith transmit the original record to the register of deeds if the death occurred in a town or village or to the city health officer if the death occurred in a city.

69.43 Deaths from communicable disease. In case the death occurred from some disease that is held by the department to be communicable and dangerous to the public health, no permit for the removal or other disposition of the corpse shall be granted by the registrar except under the conditions prescribed by the department.

69.44 Dispositions of dead; permit requisite. (1) The body of any person whose death occurs in this state shall not be interred, deposited in a vault or tomb, cremated, or otherwise disposed of, until a permit for burial or removal is issued, and no burial or removal permit shall be issued until a complete and satisfactory certificate of the death has been filed as herein provided.

69.445 Removal of corpse from hospital. When a funeral director signs, in duplicate, and delivers a notice to the superintendent of a hospital that a designated corpse is about to be removed therefrom, permission may be granted to do so without presenting a certificate of death. The superintendent shall retain one notice in the hospital files and immediately forward the other notice to the city health officer, if the hospital is in a city, or to the register of deeds of the county, if the hospital is not in a city.

History: 1977 c. 418.

69.45 Duties as to death certificate and burial permits. (1) The funeral director, or person acting under authority of s. 69.34 (2), 155.02 or 445.16, shall be responsible for obtaining and filing the certificate of death with the registrar and securing a burial or removal permit prior to any disposition of the body,

except that any person who personally prepares for burial and conducts the funeral of any deceased member of the person's immediate family may obtain and file such certificate.

(2) The funeral director shall obtain the personal and statistical particulars required from the person best qualified to supply them over the name and address of the informant. The certificate of death shall then be presented to the attending physician or other person authorized by law to fill out the medical certificate of the cause of death and other particulars necessary to complete the record, as specified in ss. 69.35 to 69.38. The funeral director shall then state the facts required relative to the date and place of burial, enter the name and address of the funeral home, sign the certificate and present the completed certificate to the registrar who shall then issue a burial or removal permit.

(3) The funeral director shall deliver the burial permit to the sexton or person in charge of the place of burial before interring the body, or attach the removal permit to the box containing the corpse, when shipped by any transportation company, to accompany the same to destination.

History: 1977 c. 418; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (20), (45).

69.46 Burial within district, wording of permit. If the interment or other disposition of the body is to be made in the registration district in which the death occurred, the wording of the burial permit may be limited to a signed statement by the registrar that a satisfactory certificate of death was filed as required by law, permission is granted to inter, remove, or otherwise dispose of the body of the deceased, stating the name, age, sex, cause of death and other necessary details upon the form prescribed by the state registrar.

History: 1977 c. 418

69.47 Burial elsewhere; certificate copy. In case the interment or other disposition of the body is to be made in some registration district other than that in which death occurred, a complete copy of the certificate of death issued by the authorities where the death occurred or the certificate of removal issued when shipped by any transportation company, shall be accepted as a burial permit for the interment of the body.

69.48 Sexton's duties. (1) No sexton or person in charge of any premises in which interments or cremations are made shall inter or cremate or permit the interment or cremation of any body unless it is accompanied by a burial permit as provided in ss. 69.45 and 69.46 or by the certificate under s. 69.47.

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(2) The permit shall contain the date of interment and signature of the sexton and shall be retained as part of the sexton's records for 2 years.

(3) The sexton shall keep a record of all interments made in the premises under his or her charge, stating the name of the deceased person, place of death, date of burial, and name and address of the funeral director.

History: 1977 c. 418; 1979 c. 221.

69.49 Marriage certificates. Except as specifically provided otherwise in this subchapter, the forms, contents, execution, returns, delivery, transmission, filing and recording of marriage certificates shall be as provided in ch. 765.

History: 1975 c. 295 s. 8; 1979 c. 32 s. 92 (2).

69.50 Correction of marriage records. A court of record of any county in which any marriage is legally filed shall make an order correcting such record on proof being made to the satisfaction of the court that the record is incorrect in any particular. The officer in charge of such records shall file the order or a copy certified by the clerk under the seal of the court, and such record shall have the same effect as the record of marriage duly returned by the proper person.

69.52 Divorce statistics. (1) The clerk of every court having jurisdiction of divorce proceedings shall, prior to the 7th day of each month, return to the state registrar upon the blanks provided for that purpose, statistics relative to each action for annulment of marriage, divorce or legal separation brought or acted upon in the court during the preceding month.

(2) The certificate of divorce, annulment or legal separation shall contain such items as the department may determine are necessary and shall agree in the main with the standard form recommended by the U.S. public health service.

(3) The state registrar shall biennially prepare from said returns, abstracts and tabular statements of the facts relating to divorce in each county, and embody them, with the necessary analysis, in the regular biennial report of the department.

History: 1977 c. 105 s. 59; 1977 c. 418.

69.525 Reproduction of vital records. The state registrar or local registrars with the approval of the state registrar may prepare type-written, photographic, electronic or other reproductions of original records and files to preserve and retain vital records. When certified as correct by the state registrar or local registrars

in accordance with s. 909.02, the reproduction shall be accepted as the original record.

History: 1979 c. 221.

69.53 Industrial illness and diseases. (1) Every person licensed to practice medicine and surgery in this state attending on or called in to visit a patient believed to be suffering from poisoning from lead, phosphorus, arsenic or mercury or their compounds, or from compressed air illness, contracted as a result of the nature of the patient's employment, shall send to the department a notice, stating the name and full postal address and place of employment of the patient and the disease from which the patient is suffering.

(2) A person licensed to practice medicine and surgery who fails to comply with this section may be fined not more than \$10.

(3) The department shall enforce this section, and it may call upon the local boards of health for assistance.

History: 1977 c. 418.

69.55 Penalties for violating this subchapter. Any person who wilfully violates this subchapter, or who neglects or refuses to perform any duty or do any act imposed upon the person as required by this subchapter, or who neglects or refuses to make any certificate required by this subchapter to be made, or falsely makes any such certificate, or knowingly makes any false statement in any such certificate, or who alters any certificate or report provided for as required by this subchapter shall be fined not less than \$20 nor more than \$200 for each offense, or imprisoned not more than 60 days, or both.

History: 1975 c. 295, 421.

SUBCHAPTER II**GENERAL STATISTICS**

69.60 Taxes and bonds. The clerk of each town and city, and of each village which collects its taxes independently of the town, and the town clerk of each town in which any village is situated, the taxes for which village are collected by the town treasurer, shall annually, at the time required by law to deliver the tax roll to the town, city or village treasurer, make out and transmit to the county clerk, on blanks furnished by the department of revenue, a statement showing the assessed valuation of all property within the town, city or village, and separately the amount of all taxes levied therein by said town, city or village, including school district, vocational, technical and adult education district, highway, street and sidewalk taxes for the cur-

rent year, and the total amount of all special assessments made, assessed or levied during the year irrespective of the manner or time of collection and the purposes for which the same were levied; also a complete and detailed statement of the bonded and other indebtedness of the town, city or village, and of the accrued interest, if any, remaining unpaid, and the purposes for which said indebtedness was incurred.

History: 1971 c. 154; 1975 c. 295, 421.

69.61 Annual statement of taxes. Annually, on or before the 3rd Monday of December, a statement in detail of all taxes levied in each town, village and city during the year, shall be made and filed by the clerk thereof, with the department of revenue. Any such clerk failing to make the statement herein provided for, and within the time above provided, shall be liable to the town, village and city for all damages caused by the delinquency. The department of revenue shall prepare and furnish the blanks for such statement, as well as for the statement mentioned in s. 69.62.

History: 1975 c. 295 ss. 3, 9; 1975 c. 421.

69.62 Returns to department of revenue.

The county clerk of each county shall, immediately upon the receipt from the department of revenue of the blanks and instructions necessary for carrying out s. 69.61, by town, village and city officers, distribute the same to such officers at the expense of the county, and shall annually, on or before November 30, make out and transmit to the department of revenue, on blanks furnished by it a tabular statement of the valuation of all the taxable property in the county as last fixed by the county board, a statement in detail of all county taxes levied thereon during the preceding year, and the purposes for which the same were levied and expended. Any county clerk failing to make the statement herein provided for, and within the time above provided, shall be liable to the county for all damages caused by the delinquency.

History: 1971 c. 65; 1975 c. 295 ss. 3, 9; 1975 c. 421; 1977 c. 29 s. 1647 (21).

69.63 Department of revenue, duties. It shall be the duty of the department of revenue to collect from time to time statistics of recorded sales of real estate in each county and of the assessed valuation of the lands included in such sales. In collecting such statistics, sales appearing to be made for a nominal consideration or as to which the true consideration is not stated and cannot be readily ascertained, and those in which the description of lands does not substantially correspond or cannot be identified with descriptions upon the assessment roll, shall be

omitted; and the department may also exclude from such statistics any other sales where for any reason the data appear to be unreliable or not serviceable.

History: 1975 c. 295

69.64 Realty statistics; items. The data to be collected as provided by s. 69.63 shall include:

- (1) The date of each instrument of conveyance or sale.
- (2) The date, volume and page of the record thereof.
- (3) A brief description of the lands conveyed or sold.
- (4) The number of acres, where the lands are unplatted.
- (5) The consideration recited in such instrument.
- (6) The assessed valuation next previous or nearest to the date of such instrument.
- (7) Such other facts as the department may deem material.

History: 1975 c. 295 ss. 3, 9.

69.65 Statistics compiled, use of; county clerk's duties.

The statistics for each calendar year shall be compiled by assessment districts and by counties in tabular form, and the compilations shall be filed and carefully preserved in the department of revenue for use in the performance of its duties. An abstract or copy of the compilations of so much as is used by the department in arriving at the true value for each county shall be furnished to the county clerk of such county in each subsequent year as soon as practicable after the compilations are completed for the year. The county clerk shall submit the abstract or copy to the county board at its next annual meeting.

History: 1975 c. 295; 1977 c. 29.

69.66 Agricultural statistics. (1) It shall be the duty of the assessor of each village, city, town or county, at the time of making the annual assessment of property, to collect such statistics in relation to the principal farm products and agricultural resources as may be required by the state department of agriculture, trade and consumer protection. Such tabulation of statistics shall be forwarded to the department on the date of the meeting of the town board of review, but not later than April 15; and a summary thereof, in duplicate, shall be delivered at the same time to the town clerk, one of said duplicates to be forwarded without delay to the county clerk.

History: 1975 c. 295; 1977 c. 29 ss. 1647 (8), 1650m (4).

69.67 Returns may be sent for; expense. If any town, city or village clerk shall have failed or neglected to transmit to the county clerk the

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statement required by s. 69.60, or if any assessor shall have failed or neglected to make and file with the county clerk the certificate required by s. 69.66, for 10 days after the time required by law to transmit or make the same, the county clerk shall in either case send a messenger to such clerk or assessor who has so failed or neglected to procure the same, and such messenger shall be entitled to receive \$3 per day and 10 cents per mile for each mile necessarily traveled in the discharge of duty, to be paid out of the county treasury on the order of the chairman of the county board and county clerk. The amount so paid shall be charged to the proper town, city or village and added to and collected with the next county tax apportioned thereto. The county clerk shall, immediately after having sent any such messenger, notify the treasurer of the proper town, city or village of the amount of the expense so incurred, and such treasurer shall deduct such amount from the compensation of such delinquent clerk or assessor.

History: 1975 c. 295 ss. 3, 9; 1975 c. 421.

69.68 Statement of indebtedness to secretary of state. Each county, city, village, town, vocational, technical and adult education

district and school district clerk shall, whenever required by the secretary of state, furnish a full and complete statement showing the bonded and all other indebtedness of the respective county, city, village, town, vocational, technical and adult education district or school district, the purposes for which the same was incurred and all accrued interest, if any, remaining unpaid.

History: 1971 c. 154; 1975 c. 295, 421.

69.69 Neglect of duty. Every clerk of any town, city, village or school district, every vocational, technical and adult education district board secretary and every assessor who fails or neglects to perform any duty required by this subchapter shall, for every such neglect or failure, forfeit not less than \$20 nor more than \$50, and it is the duty of the county clerk to cause every such forfeiture to be prosecuted for. Every county clerk and register of deeds who fails or neglects to perform any duty required by this subchapter shall, for every such neglect or failure, forfeit not less than \$25 nor more than \$100; and it is the duty of the department with which such returns are required to be filed to cause every such forfeiture to be prosecuted for.

History: 1971 c. 154; 1975 c. 295 ss. 3, 8; 1975 c. 421.